

IN SENATE OF THE UNITED STATES.

MAY 25, 1838.

Submitted, and ordered to be printed.

Mr. LINN submitted the following

REPORT:

[To accompany Senate bill No. 338.]

*The Committee on Private Land Claims, to whom was referred the petition of Joseph Cochran, praying for the passage of a law granting him the right of pre-emption to 215½ arpens, have had the same under consideration, and submit the following report :*

The committee examined the papers in this case with care, and came to the conclusion that Mr. Cochran was entitled to relief ; nevertheless, a majority of the committee instructed their chairman to call on the Commissioner of the Land Office for such information as he possessed in relation to this case, and for his opinion touching the same. This was done in consequence of the case having arisen under an act of Congress of July 9, 1832, for the settlement of private land claims in Missouri, which had to be carried into effect under the directions of the Commissioner of the General Land Office. A portion of this law is here given :

“Actual settlers being housekeepers upon such lands as are rejected, claiming to hold under such rejected claim, or such as may waive their grant, shall have the right of pre-emption to enter within the time of the existence of this act, not exceeding the quantity of their claim, which, in no case, shall exceed six hundred and forty acres, to include their improvements, who shall give notice and prove their right of pre-emption, and in all things conform to the regulations as have been, or may be, prescribed by the Secretary of the Treasury, under the existing laws relative to pre-emption ; and it shall be the duty of the Secretary of the Treasury immediately to forward to the several land offices in said State, the manner in which all those who may wish to waive their several grants or claims, and avail themselves of the right of pre-emption, shall renounce or release their said grants.”

In answer to the chairman's inquiries, will be found a letter from the commissioner, recommending the passage of a law for the benefit of Mr. Cochran. They report a bill, and desire its passage.

GENERAL LAND OFFICE,  
May 22, 1838.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, enclosing the petition of Joseph Cochran, praying the passage of a law by Congress, to enable him to obtain a title to a certain tract of land in the Palmyra district, Missouri, heretofore applied for by him, under the 3d section of the act of 9th July, 1832, and his claim rejected by the land officers, on account of the conveyance from the Spanish claimant bearing date *subsequent* to the passage of that act. My opinion is also asked on the subject of said claim, and, if favorable, that a bill be sent you embracing the case of Mr. Cochran, in reply to which I beg leave to state, that his case is embraced in a joint report of the register and receiver to this office, embracing his and other cases, dated 13th September, 1836, and from it, as well as the letter of the register enclosed in your letter, it would appear that Mr. Cochran was an actual settler and housekeeper, on a Spanish rejected claim, or one of the 2d class, as mentioned in the 3d section of the act of 9th July, 1832, and would have been entitled to the benefits of its provisions, had the conveyance from *Albert Tison* borne date *preceding* that of the act, so as to have enabled him, in the language of the law, to claim "as holding under such rejected claim." Such being the facts, and the date of the conveyance the only defect in his claim, I think it one well deserving the favorable consideration of Congress; and, agreeably to your request, transmit, herewith, a copy of a bill, which will meet the object proposed. I herewith return the papers received in your letter.

Respectfully, your obedient servant,

JAS. WHITCOMB,

Commissioner.

To Hon. L. F. LINN,

Chairman Committee Private Land Claims,

Senate U. S.